



FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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V I R G I N I A

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July 2, 2003

David S. Houston, Esquire
Shaw Pittman, LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102-4859

RE: Special Exception Amendment Application
Number SEA 97-V-033

Dear Mr. Houston:

At a regular meeting of the Board of Supervisors held on June 16, 2003, the Board approved Special Exception Amendment Application Number SEA 97-V-033 in the name of Mount Vernon Country Club, located at 5111 Old Mill Road (Tax Map 110-1 ((1)) 3, 4, 13 and 13A), previously approved for uses in a floodplain, pursuant to Section 2-904 of the Fairfax County Zoning Ordinance, to permit the existing golf course and country club, building additions and site modifications by requiring conformance with the following development conditions. These conditions supersede those approved with SE 97-V-033 and SPA 74-V-107-3.

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
3. A copy of this Special Exception Amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special

Exception Amendment shall be in substantial conformance with the approved Special Exception Amendment plat entitled **Mount Vernon Country Club Golf Course Renovation and Streambank Stabilization Special Exception Plat and prepared by Chesapeake Environmental Management, Inc., which is dated November 2002, as revised and stamped received by DPZ April 30, 2003, and these conditions.** Minor modifications to the approved special exception may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

5. The total number of country club members shall be limited to 700.
6. The hours of operation of the country club and golf course shall be limited to 5:30 a.m. to 1:00 a.m., daily.
7. The hours of operation for the swimming pool shall be limited to the following:
Regular Pool Hours from 9:00 am to 9:00 pm.
Swim Team Hours from 8:00 am to 9:00 pm with no more than 5 swim meets permitted per season.
After-Hours Pool Parties shall be limited to six per season, limited to Friday, Saturday, and pre-holiday evenings, and shall not exceed 12:00 midnight. The applicant shall request written permission from the Zoning Administrator for each individual party or activity at least ten (10) days in advance and receive permission prior to the party. Requests shall be approved for only one (1) such party at a time and such requests shall be approved only after the successful conclusion of a previous extended-hour party or for the first one at the beginning of a swim season. Requests shall only be approved if there are not pending violations of the conditions of the Special Exception Amendment, and any substantiated complaints shall be cause for denying any future requests for extended-hour parties for that season; or, should such complaints occur during the end of the swim season, then this penalty shall extend to the next calendar year.
8. A maximum of 175 parking spaces shall be provided as shown on the Special Exception Amendment Plat. No off-site parking shall be permitted on Old Mill Road or the adjacent side streets. Parking lot landscaping shall be provided in accordance with Section. 13-106 of the Zoning Ordinance.
9. Lighting on the subject property shall utilize fully cut-off luminaries to ensure that light is not projected above the horizontal plane. Up-lighting for design elements such as signs, landscaping or architectural illumination shall not be permitted. Security lighting, such as "wall packs", lighting for pedestrian paths and other common areas, shall also be shielded and directed downward. The height of any parking lot lighting fixtures shall not exceed twelve (12) feet.
10. A modification of the barrier requirement, if approved by the Board, shall permit black vinyl-coated chain link fencing of up to 6 feet in height and/or ornamental wrought-iron or other non-solid, non-wood ornamental fencing of up to 6 feet in height to function as a required Barrier between the property and the adjacent residential uses.

Irrespective of that shown on the Special Exception Amendment (SEA) Plat, the perimeter fence may be constructed on the property in phases, as illustrated on Attachment 1 to these development conditions, and as further described in Attachment 2 to these development conditions.

11. The applicant shall demonstrate the adequacy of existing stormwater facilities to the satisfaction of DPWES at the time of site plan review. Stormwater detention and BMP facilities shall be configured and constructed to the satisfaction of DPWES, if required, and shall be located outside the limits of the RPA and floodplain in a location that is in substantial conformance with the SEA Plat. If such facilities are not found to be in substantial conformance with the SEA Plat, an amendment to this SEA will be required.

Stormwater runoff shall be directed to ditches through the use of pipes, swales, or other devices, as determined by DPWES. Any fill area shall be graded or have drains installed such that normal rainfall will not flow over the filled area onto adjacent properties. All graded areas shall be stabilized prior to the issuance of any non-RUPs for this SEA.

12. There shall be no expansion of cut or fill activities into previously undisturbed natural areas within the floodplain or RPA.
13. Landscaping shall be provided as shown on the SEA Plat. A landscape plan shall be submitted concurrent with site plan review and shall be subject to the review and approval of the Urban Forester. Dead, dying or diseased trees and invasive plant material shall be removed on the property. Trees and other landscaping shall be maintained and replaced as necessary.
14. The limits of clearing and grading shall be strictly adhered to, as shown on the SEA Plat. All trees shown to be preserved shall be protected by a tree protection fence or super silt fence. Where tree protection fencing is to be installed, it shall at minimum consist of four foot high, orange plastic fence attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 6 feet apart, and shall be erected at the limits of clearing and grading as shown on the SEA Plat. All tree protection fencing shall be installed prior to any clearing and grading activities. The installation of all tree protection fence shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.
15. Erosion and sediment control measures shall be installed at all stages of construction. A "super silt fence" shall be installed along the clearing and grading limits for the site, as well as along all Resource Protection Area (RPA) boundaries, and shall remain for the duration of land disturbing activity or until it is determined by DPWES that the area is stabilized. The super silt fencing may be required at more than one location.

16. The applicant shall adopt an integrated pest management and water quality monitoring program so as to develop and implement a more comprehensive Soil and Water Quality Conservation Plan (SWQCP) to limit chemical applications and to protect water quality in order to comply with the Chesapeake Bay Preservation Ordinance. This plan shall provide for annual review and adjustments to management activities that demonstrate intent to reduce total chemical use over time. This plan shall be reviewed and approved by the Northern Virginia Soil and Water Conservation District of the Department of Extension and Continuing Education, the Department of Planning and Zoning (DPZ), and DPWES prior to site plan approval or approval of a grading plan, whichever occurs first. A copy of the pesticide management program and records of all chemical applications shall be kept on site at all times. Records shall be made available to county staff and the general public for viewing on demand.
17. Prior to site plan approval, a Hold Harmless agreement in a form approved by the County Attorney shall be executed with the County for all adverse effects which may arise as a result of the location of facilities within a floodplain area.
18. If determined necessary by DPWES, a floodplain study shall be submitted to DPWES at the time of site plan review to confirm that the floodplain level does not change as a result of the proposed improvements.
19. The applicant shall comply with all applicable provisions of Chapter 118 of the Fairfax County Code, the Chesapeake Bay Preservation Ordinance, as determined by DPWES.
20. The US Army Corps of Engineers shall be consulted prior to the approval of a grading plan to determine whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. The applicant shall document such compliance to the satisfaction of DPWES.
21. If determined necessary by DPWES, a geotechnical report shall be submitted to DPWES for foundation design and earthwork engineering. Plans shall be implemented as required by DPWES.
22. If greater than one acre of land disturbance is proposed, a Virginia Pollutant Discharge and Elimination System permit from the Department of Environmental Quality may be required, and shall be obtained by the applicant.
23. Any additional federal or state permits which are required shall be pursued by the applicant. If any required federal, state, or county permits are not approved, an amendment to this SEA shall be filed to make the necessary modifications required to obtain such permits, or this SEA shall become null and void.
24. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 115.4 and 261.30 et seq., within

the floodplain. If any petroleum products, hazardous materials, and/or hazardous wastes are stored on-site, a spill prevention and containment plan will be submitted for the review and approval of the Fairfax County Fire and Rescue Department.

25. Pool chemicals that are toxic to wetland environments shall be stored in an area outside of, or a minimum of 18 inches above, the floodplain area.

In order to mitigate potential negative impacts resulting from the discharge of chemicals existing in the swimming pool water during pool cleaning, the chemicals shall be neutralized prior to discharge into sanitary sewer drains by using the following guidelines for all pool discharge materials:

All waste water resulting from cleaning and draining of the pool located on the property shall meet the appropriate level of water quality prior to discharge as determined by the Senior Sanitarian in the Consumer Services Section of the Environmental Health Division, Fairfax County Health Department. The following procedure shall be used to ensure that pool waters are properly neutralized prior to being discharged during draining or cleaning operations: add sufficient amounts of lime or soda ash to the acid cleaning solution to achieve a pH of approximately equal to that of the receiving stream and as close to neutral (a pH of 7) as possible. If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.

26. If a waiver of the trail requirement along Old Mill Road is approved by the Board of Supervisors, then the trail requirement shall be waived provided the applicant escrows, at the time of site plan approval for the golf course improvements, \$50,000 for construction of trails in the area. Additionally, the applicant shall conduct a minimum of five charity golf tournaments (one a year for the next five years or more if needed) for the purpose of raising additional funds for construction of trails in the area. Except for food costs, the applicant shall waive any fees for the tournament, and all proceeds shall be directed to the trail contribution fund. The total contribution including charitable proceeds shall be a minimum of \$100,000. If adequate right-of-way is available, a trail shall be constructed by others with the escrowed funds along the opposite side of Old Mill Road from the application property, or in an alternate location as determined in coordination with the Mount Vernon Council of Citizen's Associations.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required permits through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

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Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- **Waived the trail requirement along Old Mill Road.**
- **Modified the transitional requirements on all boundaries in favor of the existing vegetation as shown on the Special Exception Amendment Plat.**
- **Modified the barrier requirements along all boundaries in favor of that shown on Attachment 1 and described in Attachment 2 to the development conditions.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

Attachments

July 2, 2003

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cc: Chairman Katherine K. Hanley
Supervisor Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Enforcement Branch
John Crouch, Deputy, Zoning Enforcement Branch, ZPRB
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Joyce Evans, Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

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Department of Planning & Zoning
JUL 08 2003
Zoning Evaluation Division



Fencing Notes

General. The club proposes to build a perimeter fence in stages. The first stages will address those portions of its perimeter that front public roads through which most trespassers gain access to club grounds. If those fences do not prevent continued vandalism, theft, and trespassing, then the club will fence the portions of its perimeter on which it shares property lines with adjacent homeowners.

Phase I, 6' black, vinyl-coated chain link fence. The club proposes to erect a 6' black vinyl-coated chain link fence in those areas delineated by Fence Sections F – H, and N – L. (Fence Section F – H is that stretch between Points F and H on the attached exhibit, etc). If a neighborhood association representing homeowners across public roads from the new fence request a shorter fence, the club will erect a 5' version of this fence. In response to such a request from the Woodlawn Manor Citizen's Association, the club proposes to lower Fence Section G - H from 6' to 5'.

Phase II, 6' ornamental (non-solid) fence. This fence style applies to Fence Sections B – C, D – E, I – N, and L – A. If a neighborhood association representing homeowners across public roads from the new fence request a shorter fence, the club will erect a 5' version of this fence.

Phase III, 4' black vinyl-coated chain link fence. For those portions of the club's perimeter in which the club shares a boundary line with an adjacent homeowner, the club proposes to erect a 4' black, vinyl-coated chain link fence if the affected homeowners consents. (Those lots with existing fences are so annotated on the attached exhibit.) The club will consult with the affected homeowner about other fencing styles and materials, if necessary. If the adjacent homeowner does not now have a fence and does not want one, the club will consent to that request if the homeowner agrees to attempt to prohibit trespassing through the unfenced boundary between his lot and the club. If trespassing occurs, and persists despite the club's request for the homeowner's assistance in stopping the trespassing, the club reserves the right to erect the proposed 4' black, vinyl-coated chain link fence adjacent to those lots which do not already have such a chain link fence. The areas of the club's perimeter that pertain to this note are delineated on the attached exhibit: Fence sections A – B, C – D, and H – I.

Fence location. Those fence sections located on the club's perimeter and adjacent to public roads will be installed no closer to the club's property line than 35', except for four Fence Sections. The club proposes to erect fencing closer to the property line in these areas because golf course features—greens, tees, and fairways, and practice range tees—are immediately adjacent to the club's property line. In these Fence Sections, which are drawn on the attached exhibit, the fence will be erected on the club's side of the existing transitional screen, but will be located between 13' and 25' from the property line, with the distance determined by the existing vegetation, topography, and the adjacent golf course feature. These Fence Sections are D – E, I – J, K – L, and M –

A. An existing fence exists on a portion of Fence Section D – E, and the new fence will be erected at the same location.

Existing fence. An adjacent homeowner, Helen Walutes, at 9150 Union Farm, Road, has an existing 6' chain link fence between her lot and the club on Fence Section E – F. Mrs. Walutes has agreed to the club's request to incorporate her fence into the club's perimeter fence.